

Decision _____

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

John C. Beery III,

Complainant,

vs.

Madden Creek Water Company (U92W),

Defendant.

(ECP)

Case 12-12-014

(Filed December 21, 2012)

ORDER EXTENDING STATUTORY DEADLINE**Summary**

This decision extends the statutory deadline in this proceeding to March 21, 2014.

Background

Public Utilities Code Section 1701.2(d) provides that adjudicatory cases shall be resolved within 12 months of the date that they are initiated unless the Commission makes findings as to why that deadline cannot be met and issues an order extending that deadline. The 12-month deadline for resolving this proceeding is December 21, 2013.

On December 21, 2012, John C. Beery III (Beery), filed Expedited Complaint Procedure (ECP) Case (C.) 12-12-014 against Madden Creek Water Company (Madden Creek), for billing to three service locations although two

have not had service for 15 years. In the complaint, Beery is seeking a refund for overbilling.

ECP evidentiary hearing was held in South Lake Tahoe on May 17, 2013. At the conclusion of the hearing, the assigned Administrative Law Judge (ALJ) granted Beery additional time to provide documentary evidence to both the ALJ and Madden Creek.

The ALJ is diligently reviewing the record in this proceeding and anticipates a decision resolving the complaint in early 2014. Therefore, an extension of the statutory deadline to March 21, 2014, is reasonable to allow the Commission time to deliberate on the proposed decision (PD).

Waiver of Comment Period

Under Rule 14.6(c)(4) of the Commission's Rules of Practice and Procedure, the Commission may reduce or waive the period for public review and comment of proposed decisions extending the deadline for resolving adjudicatory proceedings. Accordingly, the otherwise applicable period for public review is being waived.

Assignment of Proceeding

Catherine J. K. Sandoval is the assigned Commissioner and Linda Rochester is the assigned ALJ in this proceeding.

Findings of Fact

1. The ECP Case 12-12-014 was initiated on December 21, 2012.
2. Based upon the statutory deadline, this proceeding must be resolved within 12 months of its initiation, unless this date is extended.
3. An extension of the 12-month deadline is necessary to allow the ALJ time to draft a PD and the Commission time to deliberate on the PD.

Conclusions of Law

1. The 12-month statutory deadline imposed by Public Utilities Code Section 1701.2(d) should be extended until March 21, 2014.
2. This matter should be effective immediately.

IT IS ORDERED that the 12-month statutory deadline in this proceeding is extended until March 21, 2014.

This order is effective immediately.

Dated _____, at San Francisco, California.